

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

MEMO ENDORSED

January 30, 2008

By Facsimile

Honorable Richard M. Berman
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: **United States v. Ruben Rodriguez,**
07 Cr. 1188 (RMB)

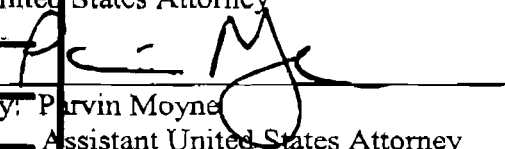
Dear Judge Berman:

The Government writes to respectfully request an adjournment of the pre-trial conference currently scheduled for January 31, 2008, at 11:00 a.m. The Government sent the request to the United States Marshals to have the defendant produced for the conference late, and the Marshals are unable to produce the defendant by 11:00 a.m. tomorrow. The Government deeply apologizes for this inconvenience. The parties are available for a pre-trial conference on Tuesday, February 5, 2008, at 12:30 p.m. or any time thereafter, or in the morning on Wednesday, February 6, 2008. If the Court is unavailable at these times, the parties will provide additional times to the Court.

Should the Court grant the adjournment request, the Government further respectfully requests that the Court exclude the time under the Speedy Trial Act until the date of the new conference because the ends of justice served by excluding time under the Speedy Trial Act outweigh the best interest of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8). ~~The Government will use the additional time to prepare discovery for the defendant so that it can provide the discovery materials at the next conference date.~~

Adjournment granted.
Time is excluded pursuant
to the Speedy Trial Act
for the reasons set forth in
this letter. Conference is now
scheduled for 2-5-08 at 2:45pm.
Time is excluded until 2-5-08.
SO ORDERED:
Date: 1-31-08
Richard M. Berman
Richard M. Berman, U.S.D.J.

Respectfully submitted,
MICHAEL J. GARCIA
United States Attorney

By: 
Parvin Moyne
Assistant United States Attorney
(212) 637-2510

cc:

Bobby C. Sternheim, Esq. (by facsimile)